

**CITY COUNCIL OF THE CITY OF SAN DIEGO
SUPPLEMENTAL DOCKET NUMBER 1
FOR THE REGULAR MEETING OF
TUESDAY, JANUARY 11, 2005 AT 10:00 A.M.
CITY ADMINISTRATION BUILDING
COUNCIL CHAMBERS – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

**ADOPTION AGENDA, CONSENT ITEMS
RESOLUTIONS:**

* ITEM-S500: Maintenance Administrative Fund Expenditure Authorization.

(City Heights, Downtown, Ocean Beach, North Park, and Little Italy Community Areas. Districts 2, 3, and 8.)

CITY MANAGER’S RECOMMENDATION:

Adopt the following resolution:

(R-2005-698)

Authorizing the City Auditor and Comptroller to transfer administrative fees totaling \$71,145 from various maintenance assessment districts to Fund 70267, for the purpose of providing administrative services for the Central Commercial, City Heights, Downtown PBID, Little Italy, and Newport Maintenance Assessment Districts (Districts);

Authorizing the expenditure of an amount not to exceed \$71,145 from Fund 70267, for the purpose of providing funds for the administration of the above-referenced Districts for Fiscal Year 2005, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

ADOPTION AGENDA, CONSENT ITEMS (Continued)
RESOLUTIONS: (Continued)

* ITEM-S500: (Continued)

CITY MANAGER SUPPORTING INFORMATION:

This action would transfer to and authorize an expenditure of funds not to exceed \$71,145 to Fund 70267 for the Fiscal Year 2005, for the purpose of administering the Central Commercial, City Heights, Downtown PBID, Little Italy, and Newport Avenue Maintenance Assessment Districts (MADS) by the Economic Development Division of the Community and Economic Development Department. The Economic Development Division assumed the responsibility of managing the self-managed maintenance assessment districts in February of 2004 in an effort to enhance the City services available to the property owners within those districts.

Each district has executed a service agreement approved by the City Council that provides for the payment of an administrative fee to the Economic Development Division to fund engineering, auditing, payment processing, budgeting, and other services related to the administration of each district. The fees range from a \$3,500 minimum to a 4% of assessed revenue. With this action, the funds collected from each service agreement will be deposited into the MAD Administrative Fund 70267 and will authorize the expenditure of funds. No funds are derived from the City's General Fund.

<u>District</u>	<u>Revenue FY 2005 Annual Assessments</u>	<u>City Administration Fee</u>
Central Commercial	\$ 218,439	\$ 8,737
City Heights	\$ 285,935	\$11,437
Downtown PBID*	\$2,910,990	\$26,500
Little Italy	\$ 524,284	\$20,971
Newport Avenue	<u>\$ 50,263</u>	<u>\$ 3,500</u>
Total	\$3,989,911	\$71,145

*Downtown PBID: An existing five-year contract that was negotiated and approved in FY 2000 stipulated a fixed administrative charge of \$26,500.

<u>Expenses FY 2005</u>	
	<u>Expense</u>
CED Administration	\$31,285
Engineering	\$22,850
Auditors MOU	<u>\$17,010</u>
Total	\$71,145

Herring/Cunningham/LO

Aud. Cert. 2500591.

ADOPTION AGENDA, CONSENT ITEMS (Continued)
RESOLUTIONS: (Continued)

- * ITEM-S501: Agreement with City Heights Business Association for Administration of Maintenance Services for the City Heights Maintenance Assessment District.

(City Heights Planning Area. Districts 3 and 7.)

CITY MANAGER'S RECOMMENDATION:

Adopt the following resolution:

(R-2005-699)

Authorizing the City Manager to execute an agreement with the City Heights Business Association, for administration of Contracts for Goods and Contracts for Services for the City Heights Maintenance Assessment District for a period not to exceed one year in accordance with the San Diego Municipal Code Section 65.0212, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$42,890 from Fund No. 70268, for the purpose of providing funds for the above services beginning January 1, 2005 through June 30, 2005.

CITY MANAGER SUPPORTING INFORMATION:

The Maintenance Assessment District Ordinance, San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one-year Agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts, if the required percentage of property owners have requested it. On July 27, 2004, the majority property owners in the City Heights Maintenance Assessment District (District) requested that their contracts be administered by the "City Heights Business Association" (Corporation). The Corporation wishes to enter into this Agreement with the City of San Diego from January 1, 2005 to June 30, 2005.

This action will authorize the City Manager to sign and execute the Agreement between the City and the Corporation for the period beginning on January 1, 2005 and ending on June 30, 2005.

1. The Corporation will administer Contracts for Goods and Contracts for Service and prepare financial statements for the District as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the City Heights Maintenance Assessment District.

ADOPTION AGENDA, CONSENT ITEMS (Continued)
RESOLUTIONS: (Continued)

* ITEM-S501: (Continued)

CITY MANAGER SUPPORTING INFORMATION: (Continued)

2. The Corporation will perform all duties as set forth in the Agreement under Article I, section B, referred to as Specific Requirements. The Corporation will be reimbursed for these services within fifteen (15) working days from receipt of properly prepared reimbursement requests.

3. The Corporation will be compensated for administration in an amount not to exceed 15% of the Approved FY05 assessments.

FISCAL IMPACT:

Funds are available in the City Heights Maintenance Assessment District (Fund 70268) to reimburse the Corporation for maintenance services. Total approved annual Assessments for FY 2005 are \$285,935.

Herring/Cunningham/Kawar

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS
COMMITTEE ON LAND USE AND HOUSING,
RESOLUTIONS:

ITEM-S502: Two actions related to Initiation of a Rezone and Amendment to the Progress Guide and General Plan and the San Pasqual Valley Plan to Preserve the Rural Character of San Pasqual Valley.

(See City Manager Report CMR-04-177. San Pasqual Community Area.
District 5.)

TODAY'S ACTIONS ARE:

Adopt the following resolution:

Subitem-A: (R-2005-692)

Initiating the rezone process to rezone City owned parcels from AR-1-1 to AG-1-1 within the San Pasqual Valley Planning area, to ensure presentation of the rural character of the San Pasqual Valley.

Subitem-B: (R-2005-691)

Initiating a Community Plan amendment to the Progress Guide and General Plan and the San Pasqual Valley Plan to strengthen the policies that preserve the rural character of the San Pasqual Valley Community.

LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:

On 08/04/2004, LU&H voted 4 to 0 to approve the City Manager's recommendation. (Councilmembers Peters, Lewis, Frye, and Inzunza voted yea. Councilmember Zucchet not present.)

SUPPORTING INFORMATION:

The request for a rezone and amendment to the Progress Guide and General Plan and the San Pasqual Valley Plan originated with the Land Use and Housing Committee's support for the San Pasqual Valley Vision Plan Implementation. On August 4, 2004, the Committee voted unanimously 4-0-0 to direct that Planning Department staff begin work on Directives 1 and 2 of the San Pasqual Vision Plan. Directive 1 calls for staff to prepare a Council Policy that will reinforce the goals of adopted documents to maintain the San Pasqual Valley as an agricultural preserve.

ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS (Continued)
COMMITTEE ON LAND USE AND HOUSING,
RESOLUTIONS: (Continued)

ITEM-S502: (Continued)

SUPPORTING INFORMATION: (Continued)

Directive 2 calls for staff to tailor zoning within the San Pasqual Valley to ensure the preservation of the Valley's existing rural character and to encourage appropriate agricultural uses. While work on Directive 1 is already underway, in order to begin work on Directive 2 the City Council must first initiate a rezone and amendment to the Progress Guide and General Plan and the San Pasqual Valley Plan. Amendments to the Land Development Code to revise the regulations of the AG-1-1 zone may be proposed concurrently with these actions. The initiations for a rezone and plan amendment would allow staff to proceed with necessary analysis and potential revisions to adopted documents in order to ensure the preservation of the rural character of the San Pasqual Valley.

The initiation processes are identified in Sections 122.0103 (a) and 123.0103 (a) of the Land Development Code which state that the City Council may initiate an amendment to a community plan and rezone by adopting a resolution. The Rezone, Land Development Code Amendment and Community Plan Amendment will be a future action by the City Council.

Ewell/Witmond